

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KENNETH BROOKS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	05-11674-GAO
UNITED STATES OF AMERICA AND)	
MARY JANE ESTRADA, N.P.,)	
)	
Defendants.)	
)	

JOINT MOTION TO CONTINUE THE STATUS CONFERENCE

The parties herein move this Court to continue the Status Conference currently scheduled for Thursday, August 9, 2007 to a date in October, 2007. In support of their motion, the parties state they have reached an agreement in principle to settle the case. The parties have encountered a procedural obstacle that requires additional time to effectuate the settlement. Specifically, the plaintiff, Kenneth Brooks, died during the pendency of this case. Accordingly, there needs to be an individual appointed as the legal representative of the estate of Kenneth Brooks in order to formally accept the settlement and execute the appropriate release and dismissal documents. The probate process is well under way, however it does not appear that the appointment will be finalized and a decree issued by the probate court prior to the August 9, 2007 status conference.

WHEREFORE, for the foregoing reasons, and in the interests of justice, the parties request that the status conference be continued for 60 days to a date convenient for the court. The parties further state that in all likelihood the settlement will be formally completed, and a stipulation of dismissal will be filed with the court, in advance of the rescheduled status conference.

Respectfully submitted,

KENNETH BROOKS,

UNITED STATES OF AMERICA,

By its Attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 27, 2007.

/s/ Rayford A. Farquhar
Rayford A. Farquhar